

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:14CR30 MAC/KPJ
	§	
LAQUITA LASHAN MATHIS	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 28, 2016, to determine whether Defendant violated her supervised release. Defendant was represented by Frank Henderson. The Government was represented by Bradley Visosky.

On December 29, 2014, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of eighteen (18) months imprisonment followed by a three (3) year term of supervised release for the offense of Explosive Materials and Maliciously Conveying False Information. Defendant began her term of supervision on May 11, 2016.

On September 21, 2016, the U.S. Probation Office filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 35). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five (5) days

of each month; (4) Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation; (5) Defendant shall notify the probation officer at least ten (10) days prior to any change in residence or employment; (6) Under the guidance and direction of the U.S. Probation Office, Defendant shall participate in any combination of psychiatric, psychological, or mental health treatment as deemed appropriate by the treatment provider; and (7) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following violations:

(1) Defendant submitted urine specimens which tested positive for marijuana on June 16, July 20, August 8, August 17, August 23, August 29, and September 8, 2016; (2) On June 16, 2016, Defendant admitted verbally and in writing that she smoked marijuana at a party on June 11, 2016. A report from Alere Toxicology Services, Inc., indicates that Defendant reused marijuana prior to each of the aforementioned collection dates; (3) Defendant failed to report to the probation officer on May 25, 2016, as instructed; (4) and (5) On May 11, 2016, Defendant reported to the Probation Officer that she was living at 2212 Covered Wagon, Plano, Texas. On May 16, 2016, an unannounced home visit was conducted and the probation officer was advised Defendant was not residing at said residence. On May 18, 2016, the probation officer spoke with Defendant and questioned her regarding where she was living. Defendant responded that she was staying with her boyfriend at a Motel 6, in Plano, Texas; (6) Defendant failed to attend mental health counseling at Fletcher Counseling, Plano, Texas, on August 26, 2016, as directed; and (7) Defendant failed to submit to drug testing as directed on August 1, and August 3, 2016. On

July 20, 2016, Defendant submitted a urine specimen, which was returned by Alere Toxicology Service, Inc., as being diluted. At the time the specimen was collected, the probation officer questioned Defendant if she tampered with the specimen, due to its unusual appearance. Defendant denied tampering with the specimen. However, during an administrative hearing with Supervising U.S. Probation Officer Jesus Perez on August 22, 2016, Defendant was questioned about the diluted specimen and verbally admitted to taking a cleanser in an attempt to clean her system of the marijuana she used on June 11, 2016.

At the hearing, Defendant entered a plea of true to Allegation One (1) Defendant shall refrain from any unlawful use of a controlled substance. Defendant waived her right to allocute before the district judge and her right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of her supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the September 28, 2016, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of four (4) months, with thirty two (32) months supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Seagoville, if appropriate.

SIGNED this 17th day of October, 2016.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE